

**DRUGS ENFORCEMENT AGENCY SEYCHELLES BILL, 2026**

*(Bill No. 8 of 2026)*

**EXPLANATORY STATEMENT OF THE OBJECTS AND REASONS  
FOR THE BILL**

The Bill seeks to establish an Agency that will be responsible for combating against illicit trafficking of drugs and precursors, prevent, investigate and control the supply and demand of drugs and precursor chemicals and for matters connected therewith.

**MADE this 30<sup>th</sup> day of April, 2026.**

**DR. MATHEW ANTONIO PATRICK HERMINIE  
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES**

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**DRUGS ENFORCEMENT AGENCY SEYCHELLES BILL, 2026**

*(Bill No. 8 of 2026)*



**A BILL**

**FOR**

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AGENCY WHICH SHALL ACT AS THE APEX BODY FOR COMBATING TRAFFICKING IN ILLICIT DRUGS, AND FOR THE DETECTION, INVESTIGATION, AND ENFORCEMENT OF OFFENCES RELATING THERETO.**

**ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY.**

**Short title and commencement**

1.(1) This Act may be cited as the Drugs Enforcement Agency Seychelles Act, 2026.

(2) This Act shall come into operation on such date as the President may, by statutory instrument published in the *Gazette*, appoint.

## **Interpretation**

2. In this Act —

“AMLCFT Act” means the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (*Act 5 of 2020*);

“Central Bank” means the Central Bank of Seychelles;

“Coast Guard” means Seychelles Coast Guard established under the Defence Act, (*Cap 58*);

“Commissioner” means the Commissioner of Police;

“criminal conduct” has the meaning assigned to it in the AMLCFT Act;

“data” means representations in any form of information or concepts;

“Director” means the Director of the Agency appointed under section 13(1);

“Deputy Director” means the person appointed under section 13(2);

“drug offence” means any offence contrary to the Misuse of Drugs Act 2016 and where the context so permits or requires, and when committed in connection with or related to such offence, includes –

- (i) any offence under any written law; or
- (ii) the offence of money laundering under the AMLCFT Act;

“FIU” means the Financial Intelligence and Assets Recovery Unit as established under the AMLCFT Act;

“law enforcement agency” means any government department under the Commissioner of Police or the Director General of Immigration and includes the Seychelles Revenue Commission;

“member of the family” in relation to an individual who is a DEAS agent, means the spouse, parent, grandparent, step-parent, child (including a step-child or an adopted child), grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece of the individual or of the individual's spouse, or any person who is cohabiting or residing with the individual;

“member of the police” means a police officer;

“Minister” means the President of the Republic of Seychelles;

“DEAS” means the Drugs Enforcement Agency of Seychelles established under section 3;

“DEAS agent” means a person appointed as such under section 14;

“proceedings” include any hearing before any court, tribunal, commission or any committee of the government or appointed by the government;

“regulatory agency” means any statutory agency established by law;

“reporting entity” has the meaning assigned under the AMLCFT;

“suspicious transactions report” means a report made under the AMLCFT.

### **Establishment, objectives and functions of DEAS**

3.(1) There is hereby established an agency to be known as the Drugs Enforcement Agency Seychelles hereinafter referred to as the “DEAS”.

(2) The objectives of the DEAS shall be to lead, manage, coordinate and implement national efforts to combat drug offences.

(3) Without prejudice to the generality of subsection (2), the functions of the DEAS, shall include—

- (a) preventing, investigating and reducing the supply and demand of illicit drugs and precursor chemicals;
- (b) maintaining databases relating to drug trafficking and associated offences;
- (c) coordinating investigations into drug offences;
- (d) ensuring effective deterrence and prevention of drug offences;
- (e) coordinating national operational responses to drug offences;
- (f) taking over or participating in investigations, including international cooperation.

(4) The DEAS may, in implementing its functions —

- (a) advise institutions on preventing drug offences trafficking and prohibited activities relating to drugs, and on changes in methods of work or procedures of the State institutions and private bodies compatible with the effective performance of their duties, which the Agency considers necessary to reduce the occurrence of drug trafficking and prohibited activities relating to drugs;
- (b) enlist and foster public confidence and support against drug trafficking and prohibited activities relating to drugs;
- (c) establish specialised units to investigate and deal with matters that the Agency considers appropriate in relation to its functions.

### **Conferral of additional functions by President**

- 4.(1) The President may by order —
- (a) confer on the DEAS or its DEAS agents such additional functions connected with the objectives and functions of the DEAS; and
  - (b) make such provision as the President considers necessary of expedient in relation to matters ancillary to or arising out of the conferral on the DEAS or its DEAS agents of functions under this section or the performance by the DEAS or its DEAS agents of functions so conferred.
- (2) In addition to subsection (1), the DEAS —
- (a) shall have the authority to collect any information that the DEAS considers relevant to its functions and duties and is publicly available, including commercially available databases, information that is collected or maintained and information that is stored in databases maintained by the government;
  - (b) shall have the authority to request information from reporting entities, any supervisory or regulatory agency and any law enforcement agency for the purposes of this Act;
  - (c) may compile statistics and records and may disseminate information within the Republic or elsewhere as well as make recommendations arising out of any information received;
  - (d) may provide training programmes for law enforcement agencies and any other person thought proper;
  - (e) may conduct research into trends and developments in the area of drug offences and associated criminal conduct and improved ways of detecting, preventing and deterring drug trafficking and associated criminal conduct;
  - (f) may educate the public and create awareness on matters relating to illegal drugs and associated criminal conduct;
  - (g) may enter into any agreements or arrangements with any local institution or agency regarding exchange of information;
  - (h) may receive copies of suspicious transaction reports made to the FIU under the AMLCFT.

### **Powers of President**

5. The President may —
- (a) by order, amend or revoke an order made by him or her under this Act;
  - (b) make regulations consistent with this Act —

- (i) for or with respect to any matter that by this Act is required or permitted to be prescribed; or
- (ii) that is necessary or convenient to be prescribed for carrying out or giving to this Act.

### **Reports**

6.(1) The DEAS shall, as soon as practicable, but not later than 3 months, after the end of each year, submit a report to the President of its activities during that year.

(2) The President shall cause the report to be tabled before the National Assembly.

(3) Each report under subsection (1) shall include information in such form and regarding such matters as the President may direct.

(4) The DEAS shall, whenever so requested by the President, furnish additional reports.

### **Immunity**

7. No action shall lie against the Director, any officer, employee or agent of the DEAS or any person acting under the direction of the DEAS, for anything done in good faith in the exercise or discharge of any powers, duties or functions under this Act.

### **Non-disclosure of audit information**

8. The Auditor General and every person acting on behalf of or under the direction of the Auditor General shall not disclose any information that they have obtained or to which they have had access in the course of their audit of the DEAS except in the performance of their functions and when ordered by a court of law.

### **Investigative powers**

9.(1) Notwithstanding any Act to the contrary, for the purpose of combating, detecting drug trafficking and enforcing offences under the Misuse of Drugs Act, 2016 the DEAS may, with the approval of the Director use the following investigative techniques as may be required —

- (a) controlled delivery or dealings; and
- (b) covert surveillance.

(2) Notwithstanding subsection (1), where the Director has reasonable grounds to suspect that an offence under this Act or the Misuse of Drugs Act, 2016 has been, is being or is likely to be committed by any person, the Director shall apply to a Judge for an Order to use the following investigative techniques as may be required for the purpose of gathering intelligence or evidence —

- (a) intrusive surveillance;

- (b) the conduct and use of covert human intelligence source; and
- (c) equipment interception.

(3) The Director shall give his or her approval under subsection (1) or (2) after being satisfied that it is just, proportionate and in the public interest to do so.

(4) Where, on an application made under subsection (2), a Judge is satisfied that an offence under this Act or the Misuse of Drugs Act, 2016 has been, is being or is likely to be committed, a Judge may grant the Order.

(5) Any evidence gathered using the investigative techniques under subsections (1) and (2) shall be admissible in Court.

(6) There shall be a Covert Intelligence Records Officer who shall keep all records and information pertaining to operations where the use of the Covert Intelligence Human Source technique has been used.

(7) The keeping of the information under subsection (6) shall be securely kept and used only for the purposes of investigation or prosecution with the consent of the Director.

(8) In this section —

“conduct and use of covert intelligence human source” means inducing, asking or assisting a person to engage in the conduct of covert human intelligence source as undercover agent to obtain information by means of the conduct of such a source;

“covert human intelligence source” means a person who —

- (a) provides intelligence gathered by interpersonal contact to assist in investigations;
- (b) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating surveillance or intrusive surveillance;
- (c) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (d) covertly discloses information obtained by the use of a relationship, or as a consequence of the existence of such a relationship;

“controlled delivery or dealings” means an operation which allows for the performance of an act by a person that would qualify as an offence under this Act or the Misuse of Drugs Act, 2016, for the purpose of identifying any person involved in any offence under this Act or the Misuse of Drugs Act, 2016;

“equipment interception” means either remotely or physically interfering with computers or computer-like devices such as, inter alia, tablets, smart phones, cables, wires and static storage devices, for the purpose of obtaining communications, equipment data or other information;

“intrusive surveillance” —

- (a) means an act of monitoring, observing or listening to a person, his or her movements, conversations or other activities and
- (b) communications, from within a place other than a public place; and
- (c) includes —
  - (i) surveillance from any residential premises or in any private vehicle or private property; and
  - (ii) the use of any kind of surveillance device, drones or other electronic device to enter a place other than a public place;

“surveillance” means the continual act of monitoring, observing or listening to a person, his or her movements, conversations or other activities and communications, from a public place, with the likely result of obtaining private information about that person or another person.

#### **Powers of DEAS and Coast Guard to dispose of drugs**

**10.** The DEAS and the Coast Guard may, for the purposes of combating drug trafficking, in the national interest, seize and dispose of drugs and vessels used for trafficking drugs in such manner as may be prescribed.

#### **Disclosure of reports or information upon approval**

**11.** The DEAS may, with the approval of the Attorney-General disclose any report or information in its possession or control to an institution or agency of a foreign country or to an international organization or institution or agency established by the governments of foreign countries that has powers and functions similar to those of the DEAS —

- (a) on such terms and conditions as are set out in the agreement or arrangement between the Republic or the DEAS and that foreign country or international organization, institution or agency regarding the exchange of such information; or
- (b) where such an agreement or arrangement has not been entered into between the Republic and/or the DEAS and that foreign country or international organisation or institution or agency, on such terms and conditions as may be agreed upon by the Republic and/or the DEAS and the foreign country, international organisation, institution or agency at the time of disclosure and such terms and conditions shall include the following —
  - (i) a restriction on the use of the report or information for purposes relevant to investigating or prosecuting drug trafficking, or an offence of financing of terrorism, or an offence that is substantially similar to any such offences, and for the purpose of restraint, seizure and forfeiture of assets derived from, traceable to, or intended to be used for drug trafficking; and

- (ii) a stipulation that the report or information be treated in a confidential manner and not be further disclosed, unless the DEAS with the consent of the Attorney-General shall in writing otherwise agree.

#### **Agreements on exchange of information**

12.(1) The DEAS may, with the approval of the President, enter into an agreement or arrangement in writing with the government of a foreign country, or an organization, institution or agency established by the government of a foreign country or an international organization, an institution or agency regarding the exchange of information which might be relevant or helpful in combating drug trafficking whether by prevention, detection, prosecution or the forfeiture of assets.

- (2) Agreements or arrangements entered into shall include the following —
  - (a) a restriction on the use of the information for purposes relevant to investigating or prosecuting a drug trafficking offence, or an offence that is substantially similar to or connected with any such offence and for the purpose of restraint, seizure and forfeiture of assets derived from, traceable to, or intended to be used for drug trafficking; and
  - (b) a stipulation that the information be treated in a confidential manner and not be further disclosed, unless the DEAS with the consent of the Attorney-General shall in writing otherwise agree.

#### **Appointment of Director, Deputy Director**

13.(1) There shall be a Director and a Deputy Director of the DEAS appointed by the President.

(2) The Director and Deputy Director shall carry out, manage and generally control the administration and functioning of the DEAS.

(3) Where a power is exercised or a function performed by the Director and Deputy Director, or a DEAS agent, no question or issue shall be raised in any court or other proceedings regarding the capacity of that person to exercise the power or perform the function and it shall not be a defence that the exercise of the power or performance of the function should have been by another person.

(4) The Director shall be responsible to the President for the performance of the functions of the DEAS.

(5) In the event of temporary incapacity through illness, or absence or otherwise of the Director, the Deputy Director shall perform the functions of the Director and while so acting, the Deputy Director shall have and exercise all the powers and functions of the Director during the relevant period.

(6) Without prejudice to the foregoing, in the event of any incapacity through illness, or absence of the Director or any other cause as decided by the President, the President may appoint to the DEAS, a person who shall be known as the Acting Director, to perform the functions and exercise the powers of the Director during the period of his or her appointment.

(7) The President shall remove the Acting Director from that appointment upon being satisfied that the incapacity or absence of the Director or other reason has ceased.

(8) For the purposes of this Act, the Director, the Deputy Director and the Acting Director, shall be DEAS agents while so appointed.

### **Appointment of DEAS agent**

**14.(1)** The President shall appoint as DEAS agents such persons as he or she may consider suitable to perform the functions specified under this Act.

(2) An appointment under this section shall —

- (a) be in writing;
- (b) specify the term of the appointment;
- (c) specify the powers, functions, duties, protections and authority to be vested in the DEAS agent so appointed.

(3) Where the instrument of appointment under subparagraph (2) so specifies, a DEAS agent shall exercise the powers, functions, duties, protections, and authority vested in a person under the respective laws by virtue of being appointed as —

- (a) a police officer;
- (b) an officer of the Seychelles Revenue Commission;
- (c) an officer of Customs; or
- (d) an immigration officer.

(4) In addition to the powers and duties specified in his or her instrument of appointment, a DEAS agent shall, for the purposes of this Act, exercise, subject to subsections (7), (8), and (9), the following powers and duties —

- (a) being a member of the agency, body or organisation to which he or she was attached prior to being appointed a DEAS agent;
- (b) the Revenue Laws or, any provision of any other Acts, whether passed before or after the passing of this Act, which relates to revenue, including any appointment, authorization or nomination made thereunder;
- (c) the Social Security Act, including any appointment made thereunder;
- (d) any other appointment or qualification;
- (e) such executive power that may be granted to that DEAS agent by the President; and
- (f) this Act.

(5) A DEAS agent, when exercising or performing any powers or duties, shall be under the direction and control of the Director.

(6) Where in any case a DEAS agent who, prior to being appointed a DEAS agent, was required to exercise or perform any power or duty on the direction of any other person, it shall be lawful for the agent to exercise or perform such power or duty on the direction of the Director.

(7) A DEAS agent may —

- (a) be accompanied or assisted in the exercise or performance of that agent's powers or duties by such other persons (including DEAS agents) as the first-mentioned agent, the Director or the Deputy Director considers necessary;
- (b) take with him, to assist him or her in the exercise or performance of his or her powers or duties, any equipment or materials as that agent, the Director or the Deputy Director considers necessary.

(8) A DEAS agent who accompanies or assists another DEAS agent under subsection (7) (a) shall have and be conferred with the powers and duties of the first-mentioned DEAS agent for the purposes of that assistance and vice versa.

(9) Any information or material obtained by an DEAS agent for the purposes of this Act, may be disclosed by a DEAS agent to —

- (a) another DEAS agent,
- (b) with the consent of the Director to —
  - (i) any member of the police, armed forces or other body, agency or organization having responsibility for combating criminal conduct including drug offences, or preserving the security of the Republic, for the purposes of that organisation;
  - (ii) any officer or Inspector of the Revenue Commission for the purposes of the Revenue Laws or any provision of any other Acts, whether passed before or after the passing of this Act, which relates to revenue functions;
  - (iii) any other officer of a Ministry of the Government or the Governor of the Central Bank for the purposes of that other officer or person exercising or performing his or her powers or duties;
  - (iv) any officer of an agency established by the Government for the collection of intelligence or information for the purpose of combating criminal conduct including drug offences and/or preserving the security of the Republic; or
  - (v) the FIU.

(10) A DEAS agent, notwithstanding his or her appointment as such, shall continue to be vested with and may exercise the powers or perform duties of a member of the police, an officer of the Revenue Commission or an Immigration Officer or an officer or inspector of the Social Security Fund as the case may be for purposes other than the purposes of this Act, as well as for the purposes of this Act.

(11) The President may, at his or her absolute discretion, at any time, remove any DEAS agent, from the DEAS whereupon the appointment of that person as a DEAS agent shall cease.

(12) Nothing in this Act shall affect the powers and duties of a member of the police, an officer of the Revenue Commission or any other relevant person, who is not a DEAS agent.

(13) A DEAS agent, shall hold his or her appointment on such terms and conditions (including terms and conditions relating to remuneration and superannuation) as the President may determine.

### **Funds and accounts**

15.(1) The Funds of the DEAS shall consist of —

- (a) the moneys appropriated from time to time by the National Assembly for the purposes of this Act;
- (b) the moneys received from time to time by the DEAS with the approval of the Minister by way of donations and grants from any source whatsoever.

(2) The Director shall ensure that proper accounts and other records are kept in line with modern accounting methods and in such forms as may be approved by the Auditor General in respect of all the DEAS's activities, funds and property including such particular accounts and records as the Minister may direct.

(3) The Director shall, within 4 months from the end of each financial year, prepare and submit to the Minister, a statement of accounts and its activities in respect of that financial year or in respect of such other period as the Minister may direct.

(4) The financial year of the DEAS shall be the calendar year.

(5) The accounts shall be audited by the Auditor General in accordance with article 158 of the Constitution in such a manner that strategic, confidential and sensitive operational information is not disclosed.

### **Anonymity**

16.(1) Notwithstanding any requirement made under any Acts or any other requirement in administrative and operational procedures, including internal procedures, all reasonable care shall be taken to ensure that the identity of a DEAS agent, who is not a member of the police or, other than the Director or the Deputy Director, shall not be revealed.

(2) Where a DEAS agent who is not a member of the police is or may be required by Act or practice, for the purposes of exercising or performing his or her powers or duties, to

produce or show any written authority or instrument of appointment under any Act or otherwise to identify himself or herself, the DEAS agent shall —

- (a) not be required to produce or show any such authority or instrument of appointment or to so identify himself, for the purposes of exercising or performing his or her powers or duties under those Acts; and
- (b) be accompanied by a DEAS agent who is a member of the police and the DEAS agent who is a member of the police shall on request by a person affected identify himself as a member of the police, and shall state that he or she is accompanied by a DEAS agent and shall inform the relevant person of the provisions in this subsection whereupon that person shall be obliged to accept the authority of the DEAS agent.

(3) Where a DEAS agent who is not a member of the police, exercises or performs any of his or her powers or duties in writing under any Acts, whether passed before or after the passing of this Act, such exercise or performance of his or her powers or duties shall be done in the name of the DEAS and not in the name of the individual DEAS agent involved, notwithstanding any provision to the contrary in any of those Acts.

(4) Any document relating to proceedings arising out of the exercise or performance by an DEAS agent of his or her powers or duties shall not reveal the identity of any DEAS agent who is not a member of the police, provided that where such document is adduced in evidence, subsection (6) shall apply.

(5) In any proceedings the identity of any DEAS agent who is not a member of the police, other than that he or she is a DEAS agent, shall not be revealed other than, in the case of hearing before the Supreme Court, to the judge hearing the case, or in any other case the person in charge of the hearing, provided that, where the identity of such a DEAS agent is relevant to the evidence adduced in the proceedings, subsection (6) shall apply.

(6) In any proceedings where a DEAS agent may be required to give evidence, whether by affidavit or certificate, or oral evidence —

- (a) the judge, in the case of proceedings before the Supreme Court; or
- (b) the person in charge of the proceedings, in any other case, may, on the application of the Director or the Deputy Director, if satisfied that there are reasonable grounds in the public interest to do so, give such directions for the preservation of the anonymity of the DEAS agent as he or she thinks fit, including directions as to —
  - (i) the restriction of the circulation of affidavits or certificates;
  - (ii) the deletion from affidavits or certificates of the name and address of any DEAS agent, including the deponent and certifier; or
  - (iii) the giving of evidence in the hearing but not the sight of any person.

## **Offences**

17.(1) A person who publishes or causes to be published —

- (a) the fact that an individual not being or having been a member of the police, is or was a DEAS agent; or
- (b) the fact that an individual is a member of the family of —
  - (i) a DEAS agent; or
  - (ii) a former DEAS agent; or
- (c) the address of any place as being the address where any —
  - (i) DEAS agent;
  - (ii) former DEAS agent; or
  - (iii) member of the family of any DEAS agent, or former DEAS agent, resides,

is guilty of an offence.

(2) Reference to publication of a fact or an address in this section shall include publication of any material from which a reasonable person could readily identify the fact or ascertain the address as the case may be.

(3) Subject to the provisions of this section, it shall be an offence to communicate with the Attorney-General or an officer of the Attorney-General, a member of the Police, a DEAS agent or a lawyer who acts on behalf of the Attorney-General in his or her official capacity for the purpose of influencing the making of a decision to withdraw or not to initiate criminal proceedings or any particular charge in criminal proceedings under this Act or any other Act.

(4) If a person referred to in subsection (3) becomes of opinion that a communication is in breach of that subsection, it shall be the duty of the person not to entertain the communication further.

(5) This section does not apply to —

- (a) communications made by a person who is a defendant or a complainant in criminal proceedings or believes that he or she is likely to be a defendant in criminal proceedings; or
- (b) communications made by a person involved in the matter —
  - (i) either personally; or
  - (ii) as a legal or medical adviser to a person involved in the matter; or
  - (iii) as a social worker; or
  - (iv) as a member of the family of a person involved in the matter.

- (6) A person who —
- (a) assaults or attempts to assault a DEAS agent or any member of the family of a DEAS agent;
  - (b) utters or sends threats to or, in any way, intimidates or menaces a DEAS agent or any member of the family of a DEAS agent;
  - (c) delays, obstructs, impedes, interferes with, resists a DEAS agent or any person lawfully accompanying or assisting a DEAS agent in the exercise or performance of his or her powers or duties or attempts or conspires to do any of the foregoing,

is guilty of an offence.

### **Penalties**

**18.(1)** A person who is guilty of an offence under section 17(1) or (3), is liable on conviction, to a fine not exceeding SCR 5,000,000, or to imprisonment for a term not exceeding 5 years, or to both.

(2) If a financial institution or other person whose trade or business is regulated by a licence or permit is convicted of an offence under this Act, the Judge may order the licence to be revoked or suspended for such period as the Judge considers proper, in addition to any other penalty or sentence that may be imposed.

(3) A person who is guilty of an offence under section 17(6) is liable on conviction, to a fine not exceeding SCR 5,000,000 or to imprisonment for a term not exceeding 20 years, or to both.